

Message Text

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PAGE 01 STATE 102843
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DRAFTED BY EA/K:CSCHWERING:JCM
APPROVED BY EA/K - MR. RICH
COMMERCE - PWILSON
L - SKLING
EB/IFD/OIA - RKOSLOVICH
-----012965 220654Z /21
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FM SECSTATE WASHDC
TO AMEMBASSY SEOUL PRIORITY

C O N F I D E N T I A L STATE 102843

E.O. 11652: GDS

TAGS: PGOV, PINT, KS, US

SUBJECT: ROK EMBASSY PROTESTS FRASER SUBCOMMITTEE
BUSINESS QUESTIONNAIRE

1. ROK EMBASSY POLITICAL COUNSELOR APRIL 19 INFORMED
DEPT HE WAS UNDER INSTRUCTIONS TO PROTEST THE IMPROPRIETY
OF FRASER SUBCOMMITTEE SENDING VOLUMINOUS QUESTIONNAIRES
TO ALL U.S. BUSINESS FIRMS OPERATING IN ROK ASKING
QUESTIONS WHICH WERE INSULTING AND ADVERSELY AFFECTED
ROK-US RELATIONSHIP.

2. UPON FURTHER EXPLORATION, IT APPEARS SUBCOMMITTEE
QUESTIONNAIRE IS SEEKING TO DETERMINE WHETHER FIRMS HAVE
ENGAGED IN QUESTIONABLE KICKBACKS OR BEEN SUBJECTED TO
PRESSURES FOR UNUSUAL PAYMENTS OR COMMISSIONS. WE DO NOT
HAVE A COPY OF THE QUESTIONNAIRE BUT WILL ATTEMPT TO OBTAIN
ONE FROM THE SUBCOMMITTEE.

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PAGE 02 STATE 102843

3. KOREA DIRECTOR RICH FIRMLY REJECTED THE ROK PROTEST
ON THIS MATTER AND POINTED OUT THE USG POSITION ON
IMPROPER POLITICAL PAYMENTS OR INVOLVEMENT IN FOREIGN
COUNTRIES AND FULL USG PARTICIPATION IN OECD AND UN EFFORTS
TO CODIFY APPROPRIATE BEHAVIOR. FURTHERMORE, THERE WAS GOOD
PROSPECT THAT SUCH ACTIVITIES BY U.S. FIRMS OVERSEAS WOULD

BECOME ILLEGAL AND PUNISHABLE UNDER U.S. LAW AS SOON AS SATISFACTORY INTERNATIONAL DEFINITIONS AND STANDARDS COULD BE AGREED. WE WILL BE SUPPLYING TO ROK EMBASSY AUTHORITATIVE USG STATEMENTS AND POLICY ON THIS SUBJECT AS BACKGROUND TO ASSERTION THAT SUBCOMMITTEE'S INQUIRY WAS BOTH LEGITIMATE AND APPROPRIATE CONCERN OF USG BODY AND THEREFORE AN INAPPROPRIATE SUBJECT FOR ROKG REPRESENTATIONS.

4. WE HAVE SUBSEQUENTLY LEARNED AND INFORMED THE ROK EMBASSY THAT THERE IS ALREADY U.S. LEGISLATION ON THE BROOKS PROHIBITING PAYMENTS TO ANY FOREIGN POLITICAL PARTY OR OFFICIAL THEREOF, AS WELL AS PAYMENTS MADE TO ANY OTHER FOREIGN OFFICIALS IN ORDER TO INFLUENCE DECISIONS TO BE TAKEN BY THEM. PAYMENTS TO OFFICIALS MADE DIRECTLY OR INDIRECTLY THROUGH AN INTERMEDIARY ALSO COVERED BY THE LEGISLATION. THESE PROHIBITIONS ARE CONTAINED IN PUBLIC LAW 95213 SIGNED ON DECEMBER 20, 1977 AS AN AMENDMENT TO THE SEC ACT. CHRISTOPHER

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